

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LEON A. MORRIS,

Plaintiff,

Case No. 3:22-cv-200

vs.

MAJOR HAINES, *et al.*,

District Judge Michael J. Newman

Magistrate Judge Peter B. Silvain, Jr.

Defendants.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 11); (2) DISMISSING PLAINTIFF'S FEDERAL CLAIMS WITH PREJUDICE; (3) DISMISSING PLAINTIFF'S STATE LAW CLAIMS WITHOUT PREJUDICE; (4) DENYING AS MOOT PLAINTIFF'S REMAINING MOTIONS (Doc. Nos. 4, 5, 8, 14); (5) DENYING A CERTIFICATE OF APPEALABILITY; (6) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (7) TERMINATING THIS CASE ON THE DOCKET

This case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Peter B. Silvain, Jr. (Doc. No. 11), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Silvain recommended that the Court deny Plaintiff's motion to proceed *in forma pauperis* under 28 U.S.C. § 1915(g). *See* Doc. No. 11 at PageID 46–47. Judge Silvain noted that, construing Plaintiff's *pro se* allegations in his favor, Plaintiff failed to state a claim for relief, so his federal claims should be dismissed with prejudice. *Id.* at PageID 44–46. Likewise, Judge Silvain recommended that this Court—if it chooses to dismiss Plaintiff's federal law claims—decline to exercise supplemental jurisdiction over his state law claims, and dismiss those claims without prejudice. *Id.* at PageID 45–46. Plaintiff timely filed his objections to Judge Silvain's Report and Recommendation. Doc. Nos. 17, 18.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation in full (Doc. No. 11); (2) **DISMISSES** Plaintiff's federal law claims **WITH PREJUDICE**; (3) **DISMISSES** Plaintiff's state law claims **WITHOUT PREJUDICE**; (4) **DENIES AS MOOT** Plaintiff's remaining motions (Doc. Nos. 4, 5, 8, 14); (5) **DENIES** Plaintiff a certificate of appealability; (6) **CERTIFIES** that any appeal would be objectively frivolous and finds that Plaintiff should be denied *in forma pauperis* status on appeal; and (7) **TERMINATES** this case on the Court's docket.

IT IS SO ORDERED.

Date: October 27, 2022

s/ Michael J. Newman
Hon. Michael J. Newman
United States District Judge